

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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YITZCHOK SCHWARTZ, on his own  
behalf and on behalf of all  
others similarly situated,

ORDER

03-CV-5609 (CBA)(SG)

Plaintiff,

-against-

THE LAW OFFICES OF GERALD E.  
MOORE & ASSOCIATES, PC and  
WORLDWIDE ASSET MANAGEMENT,  
LLC,

Defendants.

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AMON, United States District Judge:

Plaintiff Yitzchock Schwartz filed this action seeking redress for the allegedly illegal debt collection practices employed by defendants The Law Offices of Gerald E. Moore & Associates, PC and Worldwide Asset Management, LLC. 15 U.S.C. § 1692 et seq. The complaint alleges that a collection letter received by plaintiff violates the Fair Debt Collection Practices Act. 15 U.S.C. § 1692 et seq. Pending before the Court is a motion by defendants to dismiss the complaint, to compel arbitration, and to award defendants attorneys' fees and costs associated with the motion.

For the reasons set forth on the record today, defendants' motion to dismiss is denied with leave to reinstate upon submission of an affidavit by an official of MBNA regarding the

existence of an arbitration agreement with the plaintiff. This submission must be filed within thirty (30) days. Any response by plaintiff must be filed within ten (10) days of receipt of defendants' submission. The stay of discovery remains in effect pending decision on defendants' reinstated motion.

SO ORDERED.

Dated: Brooklyn, New York  
August 3, 2005

Carol Bagley Amon  
United States District Judge